

Appl. No. 10/733,690
Amdt. Dated August 26, 2005
Reply to Office Action of June 1, 2005

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes Figs. 4, 5A and 6 and replaces the original sheet including Figs. 4-6. Additionally, a new drawing sheet including Figs. 5B and 5C is also attached.

Attachment: Replacement Sheet (1)

New Drawing Sheet (1)

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REMARKS

Claims 1-20 are pending in the above application. By the foregoing amendments, Applicants have amended independent claims 1, 9, and 19 to include the allowable subject matter of claim 14. Claims 13 and 14 have been cancelled. The dependency of claim 15 has been corrected, and the typographical error noted with regard to claim 18 has been corrected. Applicants submit that the application is now in a condition for allowance, as each of the remaining objections set forth in the Office Action are addressed below.

Information Disclosure Statement Objection

Paragraph 1 of the Office Action objects to the Information Disclosure Statement submitted December 11, 2003 as failing to include a copy of the foreign patent document cited therein. In response, Applicants submit herewith a clean copy of GB 1 327 952 for consideration. No fee is believed due in connection with this Information Disclosure Statement as the British reference enclosed herewith was previously cited in the timely-filed original Information Disclosure Statement. However, if a fee is believed to be due, a Petition under 37 C.F.R. 1.97(c) and fee set forth in 37 C.F.R. 1.19(p) accompanies this paper.

Drawing Objections

Applicants submit herewith a replacement sheet of drawings containing Figures 4, 5A, and 6 to replace the originally-filed drawing sheet containing the same Figures. A new sheet containing Figures 5B and 5C has also been included. In the replacement sheet, the centers of curvature have been shown consistent with the specification at paragraphs [0008], [0026] and new paragraph [0033.1] and claims 1, 9 and 19. Figure 5B shows the variable taper and Figure 5C shows the stepped taper of claims 11 and 14, consistent with paragraph [0037] of the specification. No new matter has been added.

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Specification Objections

With regard to the specification objections set forth in paragraph 4 of the Office Action, paragraph [0033] of the specification has been amended to provide antecedent support for claim 15. Applicant notes, however, that the drawings as filed, which form part of the specification, provided support for claim 15 as the track tapers were shown as being formed out of the same material piece as the outer and inner joint parts.

The specification has also been amended at paragraph [0033.1] to correct the antecedent basis issue with respect to claims 1, 9 and 19. These claims find support in the drawings as filed and at original paragraph [0008]. No new matter has been added.

Claim Objections And Rejections

With regard to the claim objections set forth in paragraph 5 of the Office Action, 37 C.F.R. §1.75(g) is a permissive rule, not a mandatory rule. Further, independent claims 1 and 9 have a similar, although not identical, claim scope. Hence, the claims as originally presented are both proper and the most practicable given the written description of the various embodiments and the ordering of the embodiments within the description and the figures. Thus, at this time, Applicants see no need for renumbering the claims. However, after allowance, if the Examiner wishes to reorder the claims, the Applicants would not object.

With regard to the objection as to the form of claim 18, this has been corrected.

With regard to the rejection of claims 8, 17 and 20 under 35 U.S.C. §112, first paragraph, Applicants submit that an enabling disclosure has been provided with respect to the claimed subject matter. Under Federal Circuit precedent, enablement requires that "the specification must teach those skilled in the art how to make and use the full scope of the claimed invention without 'undue experimentation'." *In Re Wright*, 999 F.2d 1557, 1561 (Fed. Cir. 1993). However, identical language of terms need not be used in the specification and claims. Rather, the scope of the enablement must only bear a "reasonable correlation" to the scope of the claims. See, *In Re Fisher*, 427 F.2d

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833, 839 (CCPA 1970). In this regard, Applicants submit that the scope of the enablement provided by the description to one of ordinary skill in the art is commensurate with the scope of protection sought by the claims. The specification at paragraph [0029] explains that the cylindrical open end 66, towards the hollow shaft 42, is "sealed by a grease cover 48." The figures also show one example of a sealingly attached grease cover 48 wherein the grease cover 48 is press-fit within the cylindrical open end 66 of the joint 11. Because it is press-fit, however, the cover 48 is also clearly displaceable should the connecting shaft 44, for example, continue traveling through the extended axial range E. Further, the same paragraph describes the grease cap 48 as capable of absorbing energy, i.e., during displacement in a crash event, the grease cap will dissipate some of the energy. Thus, the scope of the enablement is commensurate with the scope of protection sought by the claims and, at a minimum, bears a reasonable correlation to the scope of the claims. In other words, the specification enables one of skill in the art to make and use the full scope of the claimed invention without any undue experimentation. Accordingly, the rejection of claims 8, 17 and 20 under 35 U.S.C. §112, first paragraph, should be withdrawn. Nevertheless, in the interest of clarity, the Applicants have amended the specification at paragraph [0028] to use terminology identical to the terms set forth in the claims as originally filed.

With regard to the rejections under 35 U.S.C. §102, Applicants have amended independent claims 1, 9 and 19 to incorporate the allowable subject matter of claim 14. Claims 13 and 14 have, correspondingly, been cancelled.

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Conclusion

Having overcome all of the objections and rejections set forth in the Office Action, Applicants submit that the application and claims are in a condition for allowance. A Notice of Allowance indicating the allowability of claims 1-12 and 15-20 should be issued. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 377-1200 if any unresolved matters remain.

Respectfully Submitted,

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